

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

SPENSER JOE CUCCARO, )  
vs. )  
Plaintiff, )  
vs. ) NO. CIV-06-1295-T  
STEPHANIE RINGGOLD, et al., )  
Defendants. )

O R D E R

Plaintiff, an inmate appearing *pro se*, brought this action pursuant to 42 U.S.C. §1983. In accordance with 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Robert E. Bacharach for initial proceedings. On May 31, 2007 Judge Bacharach filed a Report and Recommendation [Doc. No. 10] in which he recommended that the court dismiss this action without prejudice because plaintiff has failed to timely serve the defendants with summons and the complaint as required by Fed. R. Civ. P. 4(c)(1).

The Report and Recommendation also advised plaintiff of his right to object to same, set a June 21, 2007 deadline for filing objections, and cautioned plaintiff that a failure to timely file objections would result in a waiver of his right to appellate review of the matters determined in the Report and Recommendation. That deadline has expired, and plaintiff has not filed an objection.

The court has reviewed the file and the findings set forth in the Report and Recommendation and finds that the record establishes that plaintiff has failed to timely serve the defendants and has not sought an extension of time in which to do so. However, the magistrate judge granted plaintiff an extension of the deadline. Plaintiff failed to comply, and there is nothing in the record to reflect

that plaintiff has attempted service. Furthermore, plaintiff has not explained his reasons for failing to perfect service.

Accordingly, the Report and Recommendation [Doc. No. 10] is adopted as though fully set forth herein. This action is dismissed without prejudice to the filing of a new action.

IT IS SO ORDERED this 2nd day of July, 2007.



RALPH G. THOMPSON  
UNITED STATES DISTRICT JUDGE